

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

VARTAN DIXON,

**Plaintiff,**

VS.

CITY OF SEATTLE, WASHINGTON  
SEATTLE CITY LIGHT, and 3 "John Doe"  
employees or former employees of the City of  
Seattle.

### Defendants.

No. C20-1838

KING COUNTY SUPERIOR COURT  
CAUSE NO. 20-2-16121-7 SEA

**NOTICE OF REMOVAL TO FEDERAL  
COURT UNDER 28 U.S.C. § 1441(a)**

**TO:** The Clerk of the above-entitled Court; and

**TO:** Vartan Dixon, Plaintiff Pro Se:

Defendant City of Seattle, Seattle City Light, hereby gives notice that it is removing the above-referenced case to the United States District Court for the Western District of Washington on the grounds set forth below. Concurrently with this Notice of Removal, in accordance with Local Rules W.D. Wash. LCR 101(c), Defendant has filed the Verification of State Court Records referenced below.

NOTICE OF REMOVAL TO FEDERAL COURT UNDER 28  
U.S.C. § 1441(a)(C20-1838) - 1

**Peter S. Holmes**  
Seattle City Attorney  
701 Fifth Avenue, Suite 2050  
Seattle, WA 98104-7095  
(206) 684-8200

1                   **I. SUMMARY OF STATE COURT PROCEEDINGS**

2         1. Pro Se Plaintiff Vartan Dixon filed this action in King County Superior Court on  
3 November 2, 2020, where it was assigned Case No. 20-2-16121-7 SEA. *See* attached Complaint.

4         2. The matter was assigned to The Honorable David Keenan, and on November 2, 2020,  
5 the Court issued an Order Setting Civil Case Schedule, which is attached as Exhibit 1 to the  
6 Verification of State Court Records.

7         3. On November 2, 2020, a Summons addressed to “City of Seattle” and “John Does 1-3”  
8 was filed by Plaintiff, which is attached as Exhibit 2 to the Verification of State Court Records.

9         4. On November 2, 2020, a Case Information Cover Sheet was filed by Plaintiff, which  
10 is attached as Exhibit 3 to the Verification of State Court Records.

11         5. On December 1, 2020, the Presiding Judge issued an Order on Transfer of Individual  
12 Judge Assignment, reassigning this case to The Honorable Mafé Rajul, effective January 11, 2021.  
13 The order is attached as Exhibit 4 to the Verification of State Court Records.

14         6. On November 24, 2020, defense counsel Assistant City Attorney Katrina Kelly  
15 received an email from an attorney representing Mr. Dixon that stated, among other things, that “Mr.  
16 Dixon’s case has been filed.” Because no copy of the complaint was attached to the email, Ms. Kelly  
17 instructed staff to find out whether Mr. Dixon’s lawsuit had been served on the City of Seattle and to  
18 conduct a docket search in King County Superior Court. On November 25, 2020, Ms. Kelly received  
19 from staff a copy of Mr. Dixon’s complaint filed in King County Superior Court that had been retrieved  
20 following a docket search for his lawsuit. The City of Seattle had not been served with the lawsuit.

21         7. Upon information and belief, as of the date of this Notice of Removal, neither the  
22 City of Seattle, Seattle City Light, nor the individually named “John Doe” defendants have been  
23 properly served.

8. Defendant City of Seattle, Seattle City Light, entered a notice of appearance on December 22, 2020; no answer has been filed. *See Exhibit 5 to the Verification of State Court Records.*

9. A copy of the King County Superior Court docket is attached as Exhibit 6 to the Verification of State Court Records.

10. Upon information and belief, there have been no further state court proceedings in this action.

## **II. GROUNDS FOR REMOVAL**

11. Plaintiff's Complaint alleges, in paragraph 3 (page 7) that Defendant City of Seattle, Seattle City Light, violated 42 U.S.C. §§ 1981 and 1983.

12. This Court has original jurisdiction over Plaintiff's claims invoking 42 U.S.C. §§ 1981 and 1983 because they are claims arising under the "Constitution, laws, or treaties of the United States" within the meaning of 28 U.S.C. § 1331. Accordingly, this action is subject to removal to "the district court of the United States for the district and division embracing the place where [the] action is pending." 28 U.S.C. § 1441(a). Pursuant to Local Rules W.D. Wash. LCR 3(e)(1), Defendant City of Seattle, Seattle City Light, is removing this case to the Western District of Washington, Seattle Division, because it is removing this case from King County Superior Court.

13. Plaintiff also alleges claims arising under the laws of the State of Washington, as stated in paragraphs 2 and 5 (page 7) of the Complaint, and the Seattle Municipal Code, as stated in paragraph 4 (page 7) of the Complaint. Upon information and belief, those claims are so related to Plaintiff's claims invoking 42 U.S.C § 1981 that they form part of the same case or controversy, and thus are within this Court's supplemental jurisdiction. 28 U.S.C. § 1337(a).

14. “[A]ll defendants who have been properly joined and served must join in or consent to the removal of the action.” 28 U.S.C. § 1446(B)(2)(A) (emphasis added). Here, the three

1 individual defendants are referenced only as “John Doe” and, as such, are not even identified, let  
2 alone properly served. Although the City of Seattle has not yet been served, out of an abundance of  
3 caution, it seeks removal of the case to Federal Court within 30 days of becoming aware of the  
4 lawsuit. 28 U.S.C. § 1446(b)(1) (“The notice of removal of a civil action or proceeding shall be filed  
5 within 30 days after the receipt by the defendant, through service or otherwise, of a copy of the initial  
6 pleading . . .”) (emphasis added).

7 For all the reasons stated above, Defendant City of Seattle, Seattle City Light, hereby gives  
8 notice that the civil action in King County Superior Court, State of Washington has been removed  
9 from that Court to the United States District Court for the Western District of Washington at Seattle.

10 DATED this 23rd day of December, 2020.

11 PETER S. HOLMES  
Seattle City Attorney

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16  
17 Attorneys for Defendant  
18 City of Seattle, Seattle City Light

## **CERTIFICATE OF SERVICE**

I certify that, on this date, I caused a true and correct copy of the foregoing document to be served on Pro Se Plaintiff by sending it out for personal delivery, and also emailed the documents, addressed to:

Vartan Dixon  
25515 137th Place SE  
Kent, WA 98042  
Ph: (206) 235-0535  
[Vartan4speedz@gmail.com.](mailto:Vartan4speedz@gmail.com)

Dated this 23rd day of December, 2020, in Seattle, King County, Washington.

s/ Kim Fabel  
**KIM FABEL**  
Legal Assistant